

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW PITZER,

Defendant.

8:19CR140

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the United States of America's Motion for Preliminary Order of Forfeiture (ECF No. 55). The Court has reviewed the record and finds as follows:

1. Defendant Matthew Pitzer entered into a Plea Agreement (ECF No. 53) whereby he agreed to enter a plea of guilty to Count One and the Forfeiture Allegation of the Indictment.
2. Count One charged the defendant with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1).
3. The Forfeiture Allegation charged the defendant with using the \$5,850 in U.S. currency to facilitate the offense, and/or that the currency was derived from proceeds obtained directly or indirectly as a result of the commission of the offense.
4. By virtue of said plea of guilty, defendant has forfeited his interest in the subject currency. Accordingly, the United States is entitled to possession of said currency pursuant to 21 U.S.C. § 853.
5. The Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

A. The Motion for Preliminary Order of Forfeiture (ECF No. 55) is hereby granted.

B. Based upon the Forfeiture Allegation of the Indictment and the plea of guilty, the United States is hereby authorized to seize the \$5,850 in U.S currency.

C. Defendant's interest in the \$5,850 in U.S currency is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The United States shall hold the currency in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of this Preliminary Order of Forfeiture for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency.

F. Pursuant to 21 U.S.C. § 853(n)(2), such notice shall provide that any person, other than the defendant, having or claiming a legal interest in any of the property must file a petition with this Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.

G. Pursuant to 21 U.S.C. § 853(n)(3), a petitioner must sign the petition under penalty of perjury and set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and the relief sought.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 1st day of April 2020.

BY THE COURT:

s/Laurie Smith Camp
Senior United States District Judge